

REVISED LAWS OF MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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1910

2550. Logging streams—Boundary waters.

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

2551. Sluiceways, etc.—Eminent domain.

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

UNIFORM STAGE OF WATER IN LAKES.**2552. County board may establish—Eminent domain.**

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

2554. Assessment of benefits and damages.—When the entire cost of acquiring such lands and raising the waters of such lake to the specified height shall have been ascertained with reasonable certainty, the board shall apply to the court, upon two weeks' published notice, for the appointment of three disinterested resident freeholders of the state as assessors of benefits and damages. Upon proof of such service being filed, the court shall hear all persons interested, and, if satisfied that the same is proper, shall appoint such assessors, and fix their compensation and the time and place of their first meeting. The order of appointment shall also state the maximum sum which may be assessed upon benefited lands. (R. L. § 2554, as amended by Laws 1909, c. 211, § 1.)

2561. Cities and villages.—The council of every city and village within which the whole or any part of any navigable or meandered lake is situated, or the council of any city or village which is a riparian owner on any such lake adjoining such village or city, shall have all the powers in respect to establishing and maintaining the waters thereof at a uniform level that are conferred by this chapter upon county boards, and all the provisions of this chapter regulating the exercise of such powers shall be applicable in such cases. Provided, however, that this act shall not apply to cities or municipalities incorporated under a home rule charter. (R. L. § 2561, as amended by Laws 1909, c. 163, § 1.)

R. L. § 2561, cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

2562. Logging dams and waters exempt.

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

CHAPTER 43.**LOGS AND LUMBER.****2574. Fees for scaling, etc.**

See sections [2575—] 1, [2575—] 2.

2575. Same, for recording, etc.

See sections [2575—] 1, [2575—] 2.

[2575—] 1. Fees, where logs from another state are intermingled.—The fees and mileage of the surveyor general in lumber districts wherein logs or timber is received from the State of Minnesota, and any other state, intermingled and separated therein, for surveying and scaling logs, timber and lumber, shall be as follows:

First—Fence posts and farm poles, twenty cents for each one hundred pieces or fraction thereof;

Two—Electric wire poles, ten cents per hundred feet lineal measure;

Third—Logs and other timber, seven cents per thousand feet;

Fourth—Lumber twenty-five cents per 1,000 feet.

Fifth—Five cents for each mile in excess of four, necessarily traveled in going and returning between his office and place of survey.

Such compensation shall be in full for scale marking, making and recording scale bills and posting the same in the ledger. ('07 c. 185 § 1)

Historical.—"An act relating to fees of surveyors general of logs and lumber in lumber districts wherein logs or timber is received from the state of Minnesota, and any other state, intermingled and separated therein." Approved April 13, 1907.

[2575—]2. **Same—Laws repealed.**—All acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed. Provided, however, that the fees herein fixed shall not apply in any case where such fees are fixed in any special law of the State of Minnesota heretofore enacted. ('07 c. 185 § 2)

[2579—]1. **Proof before record.**—Before any surveyor general of logs and lumber within this state shall record any log mark, the parties in whose name such log mark is sought to be recorded, shall satisfy the surveyor general, by competent evidence, that such person owns timber which he intends to cut into logs and desires to identify with such mark, or is a legitimate dealer in logs, or that he owns unmarked logs already cut and desires to identify them by such mark. ('05 c. 207 § 1)

Historical.—"An act to prevent the fraudulent record of log marks and punish the unlawful use of log marks." Approved April 17, 1905.

[2579—]2. **False marking—Penalty.**—Any person who shall place a mark recorded in his name, or in the name of another, upon any log bearing no log mark, and which is the property of some person or party other than the recorded owner of the mark so placed upon said log, shall be guilty of larceny, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars and by imprisonment in the county jail not less than three months, and until said fine is paid. ('05 c. 207 § 2)

CHAPTER 44.

DRAINAGE.

Chapter 44 of the Revised Laws of 1905 was repealed by Laws 1909, c. 469, § 14.

Laws 1907, c. 191, entitled "An act to provide for the drainage of marsh, swamp, or wet lands, in any town or township in the state of Minnesota, by the owners of such lands, when the same cannot be drained without affecting the lands of others, and providing for a penalty for obstructing or injuring the ditches or drains constructed under the provisions of this act," was held unconstitutional. *State ex rel. Schubert v. Board of Sup'rs of Town of Rockford*, 102 Minn. 442, 114 N. W. 244, 120 Am. St. Rep. 640.

Prior drainage acts.—For decisions involving prior drainage acts, see *Bowler v. Renville County*, 105 Minn. 26, 116 N. W. 1023 (Laws 1887, c. 97); *Freeborn County v. Helle*, 105 Minn. 92, 117 N. W. 153 (Laws 1901, c. 258); *Jurries v. Virgens*, 104 Minn. 71, 116 N. W. 109 (Laws 1901, c. 258, as amended by Laws 1902, c. 38); *Interstate Drainage & Investment Co. v. Board of Com'rs of Freeborn County*, Minn., 158 Fed. 270, 85 C. C. A. 532 (Laws 1901, c. 258, as amended by Laws 1902, c. 38); *Heinz v. Buckham*, 104 Minn. 389, 116 N. W. 736 (Laws 1907, c. 448); *Lyon County v. Lien*, 105 Minn. 55, 116 N. W. 1017 (Laws 1907, c. 448); *State ex rel. Schafer v. Buckham*, 121 N. W. 217 (Laws 1907, c. 448).